

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket N . 005306.P108
(maximum 12 characters)

First Named Inventor Peter McCullagh

Title: VALUE DIAGNOSTIC TOOL

Express Mail Label No. EV336588652US

03945 U.S. PTO

10/661877

**ADDRESS TO:** Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ **Fee Transmittal Form (e.g., PTO/SB/17)**
(Submit an original and a duplicate for fee processing)
2. ☐ **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. ☒ **Specification (Total Pages 36)**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ **Drawings(s) (35 USC 113) (Total Sheets 16)**
5. ☒ **Oath or Declaration (Total Pages 24)**
 - a. ☒ Newly Executed (Original or Copy)
 - b. ☐ Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 18 completed)
 - i. ☐ DELETIONS OF INVENTOR(S) Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. ☐ Unsigned.
6. ☐ **Application Data Sheet. (37 CFR 1.76)**
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ **Assignment Papers (cover sheet & documents(s))**
10. _____ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- _____ b. Power of Attorney
11. _____ English Translation Document (if applicable)
12. _____ a. Information Disclosure Statement (IDS)/PTO-1449 (or PTO/SB/08)
- _____ b. Copies of IDS Citations
13. _____ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. _____ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ **Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
- 17A. _____ Other: _____

17B. ☒ Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet Under 37 C.F.R. 1.76:

_____ Continuation _____ Divisional _____ Continuation-in-part (CIP)
Of Prior Application No.: _____ **Examiner** _____ **Group Art Unit** _____
 (which is a _____ continuation/ _____ divisional/ _____ CIP of prior application no. _____,
 which is a _____ continuation/ _____ divisional/ _____ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **Correspondence Address**
 _____ **Customer Number or Bar Code Label** _____
 or _____ (Insert Customer No. or Attach Bar Code Label here)
☒ **Correspondence Address Below**
NAME Marina Portnova
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
ADDRESS 12400 Wilshire Boulevard
Seventh Floor
CITY Los Angeles **STATE** California **ZIP CODE** 90025
Country U.S.A. **TELEPHONE** (408) 720-8300 **FAX** (408) 720-8383

Name (PRINT/TYPE): Marina Portnova **Registration No.:** 45,750
Signature: *M. Portnova* **Date:** September 11, 2003

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor Peter McCullagh

Title VALUE DIAGNOSTIC TOOL

Attorney Docket No. 005306.P108

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 11, 2003

Date

M. Portnova

Signature

Marina Portnova

Typed or Printed Name

45,750

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT (\$) \$1366.00

Complete if Known:

Application No. _____

Filing Date _____

First Named Inventor Peter McCullagh

Group Art Unit _____

Examiner Name _____

Attorney Docket No. 005306.P108

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name _____

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check
☐ Money Order
☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------------------|------------------|
| Code | Fee (\$) | Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility application filing fee | <u>750.00</u> |
| 1002 | 330 | 2002 | 165 | Design application filing fee | _____ |
| 1003 | 520 | 2003 | 260 | Plant filing fee | _____ |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | _____ |
| 1005 | 160 | 2005 | 80 | Provisional application filing fee | _____ |
| SUBTOTAL (1) | | | | | <u>\$ 750.00</u> |

2. EXTRA CLAIM FEES

| | | Extra Claims | Fee from below | Fee Paid |
|--------------------|-----------|--------------------|----------------|-----------------|
| Total Claims | <u>38</u> | - 20** = <u>18</u> | X <u>18.00</u> | = <u>324.00</u> |
| Independent Claims | <u>6</u> | - 3** = <u>3</u> | X <u>84.00</u> | = <u>252.00</u> |
| Multiple Dependent | | | | = _____ |

**Or number previously paid, if greater; For Reissues, see below.

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---|------------------|
| Code | Fee (\$) | Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | _____ |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | _____ |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid | _____ |
| 1204 | 84 | 2204 | 42 | **Reissue independent claims over original patent | _____ |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | _____ |
| SUBTOTAL (2) | | | | | <u>\$ 576.00</u> |

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| <u>Large Entity</u> | | <u>Small Entity</u> | | <u>Fee Description</u> | <u>Fee Paid</u> |
|---------------------------|-----------------|---------------------|-----------------|--|-----------------|
| <u>Code</u> | <u>Fee (\$)</u> | <u>Code</u> | <u>Fee (\$)</u> | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | _____ |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | _____ |
| 1053 | 130 | 1053 | 130 | Non-English specification | _____ |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | _____ |
| 1813 | 8,800 | 1813 | 8,800 | Request for inter parties reexamination | _____ |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | _____ |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | _____ |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | _____ |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | _____ |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | _____ |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | _____ |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | _____ |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | _____ |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | _____ |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | _____ |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | _____ |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | _____ |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | _____ |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | _____ |
| 1502 | 470 | 2502 | 235 | Design issue fee | _____ |
| 1503 | 630 | 2503 | 315 | Plant issue fee | _____ |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | _____ |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | _____ |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | _____ |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | <u>40.00</u> |
| 1809 | 750 | 2809 | 375 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | _____ |
| 1814 | 110 | 2814 | 55 | Statutory Disclaimer | _____ |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (see 37 CFR 1.129(b)) | _____ |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | _____ |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | _____ |
| 1504 | 300 | 1504 | 300 | Publication fee for early, voluntary, or normal pub. | _____ |
| 1505 | 300 | 1505 | 300 | Publication fee for republication | _____ |
| 1803 | 130 | 1803 | 130 | Request for voluntary publication or republication | _____ |
| 1808 | 130 | 1808 | 130 | Processing fee under 37 CFR 1.17(i) (except provisionals) | _____ |
| 1454 | 1,300 | 1454 | 1,300 | Acceptance of unintentionally delayed claim for priority | _____ |
| Other fee (specify) _____ | | | | | _____ |
| Other fee (specify) _____ | | | | | _____ |
| SUBTOTAL (3) | | | | | \$ 40.00 |

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Marina PortnovaSignature: M. Portnova Date: September 11, 2003R g. Number: 45,750 Telephone Number: (408) 720-8300